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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 MICHAEL SPATZ, et al., on Behalf of  
14 Themselves and All Others Similarly  
15 Situated,

16 Plaintiffs,

17 vs.

18 FACEBOOK, INC., et al.,

19 Defendants.  
20

No. 3:12-cv-02662-MMC

CLASS ACTION

STIPULATION SETTING  
COORDINATED BRIEFING  
SCHEDULE ON LEAD PLAINTIFF  
MOTIONS AND ORDER APPROVING  
STIPULATION; ORDER VACATING  
HEARING

1 WHEREAS, presently pending before this Court are 14 securities class action  
 2 lawsuits (the “California Actions”) brought against Facebook, Inc. (the “Company”),  
 3 various of its officers and directors, and various underwriters of the Company’s May  
 4 18, 2012 initial public offering, alleging violations of Sections 11, 12(a)(2), and 15 of  
 5 the Securities Act of 1933;

6 WHEREAS, 19 substantially similar actions are also pending in the United  
 7 States District Court for the Southern District of New York (the “New York Actions”) and a multi-district litigation (“MDL”) action was filed with the Judicial Panel on  
 8 Multidistrict Litigation (“JPML”) on June 14, 2012 (*IN RE: Facebook, Inc., IPO*  
 9 *Securities and Derivative Litigation*, MDL No. 2389);

10 WHEREAS, Pursuant to Section 27 of the Securities Act of 1933, 15 U.S.C.  
 11 §77z-1(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995  
 12 (“PSLRA”), the following seven movants filed motions for consolidation,  
 13 appointment as lead plaintiff and approval of their selection of counsel on July 23,  
 14 2012 in *Spatz v. Facebook, Inc. et al.*, No. 3:12-cv-02662 (N.D. Cal.) (“*Spatz*”):

- 15 1. William H. Anhood, and Jose and Mary Galvan (Dkt. No. 64);
- 16 2. Michael Spatz and Sanjay Israni (Dkt. No. 67);
- 17 3. A. Marcus Gerber (Dkt. No. 70);
- 18 4. Eiffel Tower Ventures, LLC, The GAF Unit Trust and White Dune LLC  
 19 (Dkt. No. 71);
- 20 5. KBC Asset Management NV and the Employees’ Retirement System of  
 21 the Government of the Virgin Islands (collectively, the Institutional  
 22 Investors”) (Dkt. No. 73);
- 23 6. Ramesh Purohit, Karen Stewart and Scott Wilson (collectively, the  
 24 “Facebook Investor Group”) (Dkt. No. 75); and
- 25 7. North Carolina Department of State Treasurer on behalf of the North  
 26 Carolina Retirement Systems, Banyan Capital Master Fund Ltd.,  
 27 Arkansas Teacher Retirement System, and the Fresno County  
 28 Employees’ Retirement Association (collectively, the “Institutional  
 Investor Group”) (Dkt. No. 84);

1 WHEREAS, pursuant to the PSLRA, six of the same movants, in addition to  
 2 four additional movants (Alexis Alexander, as custodian for Chloe Sophie Alexander,  
 3 Robert Herpst and Vinjay Akkaraju; Rick Pond; First New York Securities L.L.C., T3  
 4 Trading Group, LLC and Avatar; and Desmond Doris, Donald Pompliano, Eric Rand  
 5 and Ranford Williams), filed motions for consolidation, appointment as lead plaintiff  
 6 and approval of their selection of counsel on July 23, 2012 in *Brian Roffe Profit*  
 7 *Sharing Plan v. Facebook, Inc., et al.*, No. 1:12-cv-04081 (S.D.N.Y.) (“*Roffe*”);

8 WHEREAS, on June 13, 2012, the Court entered a stipulation deferring the  
 9 time for defendants to answer, move or otherwise respond to the complaint in the  
 10 above-captioned action until the appointment of lead plaintiff(s), approval of selection  
 11 of lead counsel for plaintiff(s), and entry of a stipulation between lead plaintiff(s) and  
 12 defendants, or Court order, setting forth a schedule for the filing of a consolidated  
 13 amended complaint and defendants’ responses thereto (Dkt. No. 24);

14 WHEREAS, as a result of different local rules, the briefing schedules for the  
 15 lead plaintiff motions would result in different deadlines for the California Actions  
 16 and the New York Actions, as follows:

	<u>Spatz (N.D. Cal.)</u>	<u>Roffe (S.D.N.Y.)</u>
16 Opposition Brief Deadline	August 6, 2012	August 9, 2012
17 Reply Brief Deadline	August 13, 2012	August 20, 2012
18 Hearing Date	August 31, 2012 at 9:00 a.m.	n/a

19 WHEREAS, counsel for the movants have conferred and agreed to coordinate  
 20 the briefing schedules so that opposition and reply memoranda would be filed on the  
 21 same date in both jurisdictions; and

22 WHEREAS, the requested time modification will have no effect on the  
 23 schedule for the case.

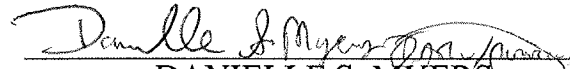
24 IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED, by and  
 25 among counsel for plaintiffs herein, subject to the Court’s approval, that:

26 1. All opposition and reply briefing on the pending lead plaintiff motions in  
 27 both *Spatz* and *Roffe*, will be filed and served on the dates noted above in the *Roffe*  
 28 action, *i.e.*, August 9, 2012 for responses, and August 20, 2012 for replies.

IT IS SO STIPULATED.

1 DATED: July 31, 2012

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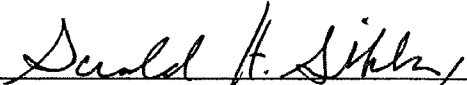
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25 DATED: July 31, 2012

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\* \* \*

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHER ORDERED that the hearing scheduled for August 31, 2012 is VACATED. See 15 U.S.C. § 78u-4(a)(3)(B)(ii).

DATED: August 6, 2012

  
THE HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE